



County of Los Angeles  
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DAVID E. JANSSEN  
Chief Administrative Officer

October 12, 2006

To: Mayor Michael D. Antonovich  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe

From: David E. Janssen  
Chief Administrative Officer

Board of Supervisors  
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YVONNE B. BURKE  
Second District

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Fifth District

**MOTION TO OPPOSE PROPOSITION 85 - WAITING PERIOD AND PARENTAL  
NOTIFICATION BEFORE TERMINATION OF MINOR'S PREGNANCY INITIATIVE  
(ITEM NO. 4, AGENDA OF OCTOBER 17, 2006)**

Item No. 4 on the October 17, 2006 Agenda is a motion by Supervisor Yaroslavsky to oppose Proposition 85 on the November ballot and to urge voters throughout Los Angeles County to join the Board of Supervisors in voting NO on Proposition 85.

Proposition 85 would amend the California State Constitution to require health care professionals to notify a parent or guardian 48 hours before performing an abortion on an unemancipated minor except in a medical emergency or with a parental or judicial waiver. For purposes of this initiative, an unemancipated minor is a female under the age of 18 years who is not married, is not on active duty with the armed services of the United States and who has not received a declaration of emancipation under state law. Proposition 85 would permit a judicial waiver of notice based on clear and convincing evidence of the minor's maturity or of the minor's best interests. If the waiver is denied, the minor could appeal that decision to an appellate court.

Physicians would be required to report abortions performed on minors and the California Department of Health Services would be required to maintain records and compile statistics relating to these abortions that would be available to the public. These reports would not identify the minor or any parent or guardian by name. The measure would also allow a minor to seek help from the juvenile court if anyone attempts to coerce her to have an abortion and would require the court to take whatever action it found necessary to prevent coercion.

Proposition 85 is substantially the same as Proposition 73 which was on the November 8, 2005 ballot and opposed by the Board on October 25, 2005.

**Legislative Analyst's Office Report.** The Legislative Analyst's Office (LAO) reports that the cost of this measure to Medi-Cal and other programs is unknown, but it is probably not significant.

**Affected Departments.** The Department of Health Services indicates that this measure would have a minor effect on the Department because few abortions are performed in County facilities on patients under 18 years of age.

The Department of Public Health (DPH) indicates that confidential reproductive health care for minors is an important medical and public health issue that helps ensure the safety of one of California's most vulnerable populations. It supports the involvement of parents in the decision-making related to teen pregnancy, and works to educate the public on effective and safe birth control methods and provides in-home supportive services to pregnant teens. However, when prevention programs fail, some pregnant teens may not be able to talk to their parents for fear of physical abuse, emotional abuse or abandonment. DPH is concerned that this Proposition could delay teens from seeking appropriate medical care, and may force them to attempt dangerous self-abortion techniques or obtain illegal procedures through unlicensed personnel. In addition, it would put a costly burden on the already over-burdened health care system by requiring physicians to engage in and thoroughly document parental notification processes via both certified and first class mail.

DPH notes that Proposition 85 will most likely adversely impact poor adolescents and adolescents of color. Studies show that socio-economically disadvantaged women of Hispanic and African American descent who are living at or below the 100 percent of the federal poverty level are four times more likely to obtain an abortion.

DPH further indicates that there has been no documented evidence that this new requirement will reduce teen abortions, or facilitate conversations between the teen and her parents or guardians regarding the pregnancy. Recent studies show that over 70 percent of teens in the United States report discussing these topics with their parents, and the majority, 61 percent, have reported that at least one parent is aware of their decision to seek abortion care. Over 30 percent of teens who choose not to involve their parents cite fear of physical harm, being kicked out of the house, or other abuse as part of their reason not to disclose to their parents. In Texas, the number of late, second trimester abortions being performed increased markedly after implementation of their parental notification law, indicating a delay in getting prompt

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medical care. In several states, the rate at which adolescents traveled out-of-state for abortion care appeared to rise in relation to the drop in abortions performed in-state.

The Department of Children and Family Services advises that Proposition 85 will have minimal if any effect on its operations.

**Support and Opposition.** Although the Yes on 85 Campaign staff indicate that they have not yet completed a list of those in support of the measure, they note that Proposition 73 was supported by Life on the Ballot, former California Supreme Court Justice William Clark, former State Senator David Roberti, former State Assembly Member Barbara Alby, former State Senator Waddie P. Deddeh, the Executive Director of the Campaign for California Families, former State Assembly Member Don Sebastiani, Dr. Robert T. Lynch of the Knights of Columbus, and the Executive Director of the California Right to Life Committee.

Proposition 85 is opposed by a number of medical and other organizations because it interferes with the doctor patient relationship and delays medical care and counseling, which is likely to result in riskier and more complicated procedures. It is opposed by the California Medical Association, California Nurses Association, American Academy of Pediatrics-California District, Planned Parenthood Affiliates of California, American College of Obstetricians and Gynecologists District IX California, League of Women Voters of California, California Academy of Family Physicians, California Family Health Council, NARAL Pro-Choice California, ACLU Northern California, ACLU Southern California, Equality California, and California National Organization for Women.

DEJ:GK  
MAL:MS:mb

c: Executive Officer, Board of Supervisors  
County Counsel  
Department of Health Services  
Department of Public Health  
Sheriff Department